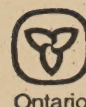
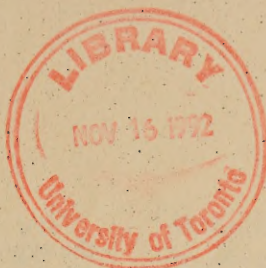


May 1992

Environment  
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# WASTE MANAGEMENT ACT, 1992

## AN ACT RESPECTING THE MANAGEMENT OF WASTE IN THE GREATER TORONTO AREA AND TO AMEND THE ENVIRONMENTAL PROTECTION ACT.

### CHRONOLOGY

- October 24, 1991: The Honourable Ruth Grier, Minister of the Environment and Minister Responsible for the Office for the Greater Toronto Area, introduced the *Waste Management Act* (Bill 143) to the Ontario Legislature for first reading.
- November 19, 1991: The Minister introduced Bill 143 to the legislature for second reading.
- January 20, 1992: Public hearings by the Standing Committee on Social Development began. The first meeting was held in Toronto. Before the hearings ended in March 1992, the committee had visited Kingston, Sudbury, Kirkland Lake and Sarnia. The committee also had heard more than 200 presentations and had received almost 50 written submissions from citizens, municipalities, companies, environmental groups, labor unions and industrial associations.
- March 23, 1992: The Minister started the committee's week-long, clause-by-clause debate of the bill by proposing 25 amendments. They dealt with many of the concerns of the organizations and people who had made presentations or had sent in written submissions.
- April 16, 1992: The legislature began a two-day, clause-by-clause analysis of the bill.
- April 23, 1992: The bill was introduced for third and final reading. The legislature passed the bill.
- April 27, 1992: *The Waste Management Act*, 1992 received Royal Assent and came into effect immediately.

### HIGHLIGHTS

- The *Waste Management Act*, 1992, has two main thrusts: (1) province-wide and 2) Greater Toronto Area (GTA)-specific.
- The province-wide provisions involve amendments to the *Environmental Protection Act*. The amendments primarily broaden the government's power to reduce waste. They include powers:
  - to regulate packaging and products;
  - to require waste audits and work plans for waste reduction by companies, municipalities, institutions and other generators of waste;
  - to extend 3Rs (reduce, reuse and recycle) programs to most municipalities;
  - to make approvals easier for 3Rs facilities such as recycling depots, municipal composting depots and material recovery facilities.
- The GTA-specific provisions include:
  - provisions which allow the Interim Waste Authority (IWA) to establish three, long-term landfill sites within the GTA, and a description of the parameters for the selection of the three landfill sites, including the areas of search and environmental assessments;
  - the implementation of Minister's Reports which were issued in 1991. These reports direct Peel and Durham Regions and Metropolitan Toronto to undertake certain actions to ensure the availability of waste disposal capacity until the opening of the three, new, long-term landfill sites.



## SUMMARY OF THE WASTE MANAGEMENT ACT, 1992

- The Waste Management Act is made up of four parts:
  - Part I continues the Interim Waste Authority Ltd. as a Crown agency and gives it the additional powers required to establish three, long-term landfill sites in the Greater Toronto Area.
  - Part II establishes the areas of search for the three landfill sites in the Greater Toronto Area and the content requirements for the environmental assessments of the sites under the *Environmental Assessment Act*.
  - Part III clarifies the duty of the municipalities in the Greater Toronto Area to implement the Minister's Reports under Section 29 of the *Environmental Protection Act* and removes legal impediments to their doing so.
  - Part IV amends the *Environmental Protection Act* to shift its emphasis to waste reduction, reuse and recycling (the 3Rs) from waste disposal. Specifically, Part IV contains the enabling legislation for many of the proposals in the Ministry of the Environment's Initiatives Paper No. 1, "Regulatory Measures to Achieve Ontario's Waste Reduction Targets."

## PART I: INTERIM WASTE AUTHORITY LTD.

**Sections 1-2:** This part continues the Interim Waste Authority Ltd., a corporation incorporated under the *Business Corporations Act*, as a Crown agency.

**Sections 3-6:** The authority is given powers to expropriate the land needed to establish landfill sites. The Ontario Municipal Board is given the power to close any road if required for a landfill site.

**Section 7-12:** The authority is given powers of entry onto land to carry out inspections relating to the planning, establishment, operation and management of a landfill site. The training and responsibilities of inspectors are defined. The provisions for notifying property owners are set out as are the conditions for

the type of access required to carry out inspections. These powers allow the authority to obtain the information needed to find the most environmentally appropriate landfill site. Protection for landowners is also provided.

## PART II: WASTE DISPOSAL SITES

This part applies to the environmental assessments for the three, long-term landfill sites to be established by the Interim Waste Authority within the GTA and to be evaluated under the *Environmental Assessment Act*.

**Section 13:** One site is to be located in Peel Region. One site is to be located in Durham Region. One site is to be located within the borders of York Region and Metropolitan Toronto. The three landfill sites will be used for the disposal of waste for at least 20 years.

**Section 14:** The Interim Waste Authority is required to use waste diversion information provided by the Ministry of the Environment to estimate the landfill capacity needed.

**Section 15:** The environmental assessments prepared by the Interim Waste Authority will be required to discuss certain alternatives to the three proposed sites. Those alternatives include the 3Rs and other possible locations for single landfill sites. The incineration of municipal solid waste and the transportation of such waste outside of GTA borders are ruled out.

Transporting municipal waste outside of the GTA was ruled out earlier by the Minister for three primary reasons:

1. Municipal governments which have the responsibility for disposing of waste must do so as close to the source of waste generation as possible. This is the principle of local responsibility and has been the general practice for waste planning throughout Ontario.
2. Transporting waste does not solve a garbage problem, but simply moves it out of sight.
3. Transporting waste removes the incentive to Ontario's efforts to reduce waste through the 3Rs.



Similarly incinerating municipal solid waste also was ruled out earlier by the Minister for three reasons:

1. It produces potentially harmful air emissions and toxic residual ash.
2. It wastes valuable resources and undermines efforts to reduce, reuse and recycle.
3. Incinerators are expensive to build and to operate compared to landfill sites.

**Section 16:** The Minister may establish policies for the purpose of Part II of the legislation. The Interim Waste Authority shall have regard to these policies when preparing the environmental assessments for the sites.

**Section 17:** This section ensures continuity between the participant funding and the intervenor funding programs. Participant funding refers to financial assistance for people who are participating in the early stages of the environmental assessment process; that is prior to the point in the process - usually the hearing - when the Intervenor Funding Project Act applies.

### **PART III: IMPLEMENTATION OF MINISTER'S REPORT**

This part relates to the GTA disposal capacity gap. This is the time between the closing of the Keele Valley, Brock West and Britannia Road landfill sites and the opening of the three, new landfill sites in the Greater Toronto Area.

**Section 18:** Peel Region, Durham Region and Metropolitan Toronto are required to implement the Minister's Reports issued in the summer of 1991 under Section 29 of the *Environmental Protection Act*. Under the reports:

- (a) Durham Region must set up, operate and maintain one or more transfer stations.
- (b) Peel Region must extend the life of the Britannia Road landfill site;
- (c) Metropolitan Toronto must extend the life of the Keele Valley landfill site, which is located in York Region.

**Section 19:** A Certificate of Approval may be issued for the enlarged landfill sites and new transfer station or stations even if a hearing under Part V (the section on waste management) of the *Environmental Protection Act* has not taken place. This section does not rule out the possibility of a hearing.

**Section 20:** This section provides for a hearing on the extension of the Keele Valley landfill site if the Director decides sufficient time is available to hold a hearing before the site reaches its existing capacity. The section also sets out the conditions for holding the hearing including allowing the Director to specify the length of the hearing.

### **PART IV: AMENDMENTS TO THE ENVIRONMENTAL PROTECTION ACT**

This Part permits a broader, more comprehensive approach to the reduction of waste at the source and contains a number of "housekeeping" measures such as updating specific definitions in the *Environmental Protection Act* (EPA).

Specifically, this Part contains the enabling legislation for many of the proposals in the Ministry of the Environment's Initiatives Paper No. 1, "Regulatory Measures to Achieve Ontario's Waste Reduction Targets." New and extended powers are given to regulate all types of packaging and products. Packaging audits, waste audits and waste reduction plans will also be required. The new powers also will allow the Ministry of the Environment to require many municipalities to provide 3Rs programs such as leaf and yard composting as well as programs which separate designated reusable and recyclable materials at source.

**Section 22:** The amendment clarifies that "municipality" as defined in the act includes the County of Oxford.

**Section 23:** The amendment states that actions taken under the *Environmental Protection Act* are valid even if they are taken for the purpose of protecting the environment beyond Ontario's borders. This amendment will be retroactive and will apply to actions taken before the amendment is in force. Such actions may include those taken under Ontario's



Countdown Acid Rain program and Municipal /Industrial Strategy for Abatement (MISA) program.

*Section 24:* The amendment adds waste reduction, reuse and recycling as well as discontinuing waste management systems and closing waste disposal sites to the list of activities for which the Minister may make grants and loans.

The amendment gives the Minister the power to set up demonstration and experimental 3Rs programs and, after seeking the affected municipality's consent, to set up, change or shut down waste management systems and landfill sites.

*Section 25:* The amendment changes the definition of waste. The current definition identifies certain types of wastes and provides for other wastes to be specified in the regulations. The amendment broadens the Minister's power to make regulations by changing "other wastes" to "other materials." This will allow the Minister to regulate those items which at various stages in a 3Rs process may be considered garbage or re-usable materials. The amendment also broadens the definition of waste disposal site and waste management system.

*Section 26:* The amendment repeals the prohibition against a municipality making by-laws to finance waste management systems and disposal sites before a Certificate of Approval is issued. There are now sufficient safeguards in the *Municipal Act* and other legislation which affect municipalities.

*Section 27:* This section amends section 29 of the *Environmental Protection Act*. That section provides the Minister with the powers to act "in the public interest" by issuing Minister's Reports. These may require municipalities to establish or to change waste management systems. The amendments:

- make it clear that Minister's Reports may require a municipality to accept waste from another municipality;
- set a time limit of five years on any such acceptance of waste;
- allow the municipality which is accepting the waste to be compensated.

*Section 28:* The amendment changes the heading of Part IX of the *Environmental Protection Act*, which deals with litter, packaging and containers, to read "Litter, Packaging, Containers, Disposable Products and Products that Pose Waste Management Problems".

*Section 29:* The amendment expands the scope of the Minister's power to conduct research and studies relating to packaging and containers. This includes packaging, disposable products and products that pose waste management problems.

*Section 30:* The amendment expands the prohibition against selling packaging or containers contrary to the *Environmental Protection Act* to include the sale of disposable products and products that pose waste management problems.

*Section 31:* The amendment expands the scope of violations of the *Environmental Protection Act* or regulations related to packaging and containers to include disposable products and products that pose waste management problems.

*Section 32:* The amendment means that persons would no longer be appointed to the Environmental Appeal Board to serve "at pleasure". A fixed term could be set.

*Section 33:* The amendment requires every person, who through the *Environmental Protection Act* or regulations, must keep records, to produce those records when requested by a provincial officer.

*Section 34*

(1): The amendment broadens the scope for making regulations relating to the procedures and standards for waste management systems and disposal sites.

(2): The amendment adds new powers to make regulations for the purpose of waste reduction, reuse and recycling. This is the enabling legislation for many of the proposals in Initiatives Paper No. 1, "Regulatory Measures to Achieve Ontario's Waste Reduction Targets." Regulations passed under this



amendment would:

- require municipalities to establish or to change facilities or systems to increase the amount of waste diverted from disposal. (New section 176(4)(j) and (k) of the EPA).
- require municipalities and other generators of waste to conduct studies (waste audits) and submit plans (waste reduction action plans) to the ministry. (New section 176(4)(l) and (m) of the EPA)
- require municipalities and other waste generators to seek approval for plans (waste reduction action plans) and to achieve certain waste management objectives. (New section 176(4)(o) and (p) of the EPA)
- regulate waste management activities of property owners which house waste generators (such as shopping malls) and require the owners to implement source separation programs for classes of waste (reusable and recyclable) materials (New section 176(4)(q) and (r) of the EPA)
- deem a Certificate of Approval to exist for a waste facility other than landfill sites and other sites which require a hearing under Part V, Section 30 of the EPA. This would implement "permit by rule" approvals. Their purpose is to speed up approvals for 3Rs facilities which meet a specific set of prescribed rules. (New section 176(4)(s) of the EPA)

(3-14): This section currently refers to the various regulation-making powers relating to beverages sold in containers. Under the amendments:

- those powers could be exercised for additional categories of products;
- the powers relating to notices or marks on the containers would be broadened;
- regulations may be made to require deposits on any product, packaging or container.

(15): The amendment provides for the making of regulations governing the content, sale and use of

packaging, containers, disposable products and products that pose waste management problems. The amendment also allows the regulation to require that these items be either reusable or recyclable.

(16): The amendment increases the regulation making powers which relate to packaging. Regulations under this section may require people who manufacture, package or sell packaged products:

- to report on the effect which the packaging may have on waste management in the province;
- to prepare waste management plans which relate to the packaging;
- to achieve particular waste management objectives.

In addition, the regulations may declare that a product poses waste management problems.

*Section 35:* The amendment allows a regulation to be applicable to any class of activity, matter, person or thing.

## WASTE REDUCTION: A CHRONOLOGY OF PROVINCIAL INITIATIVES

### *October 15, 1990: Provincial Waste Reduction Targets*

The Minister affirmed the government's commitment to provincial targets of at least 25 per cent waste reduction in 1992 and 50 per cent by the year 2000.

(Reference: Speech at the annual conference of the Recycling Council of Ontario, Windsor.)

### *November 21, 1990: Conserver Action Plan*

The Minister announced that the new direction of the province's environmental policy was to move Ontario from a consumer society to a conserver society. The focus of the policy would be to place a



greater emphasis on waste reduction and reuse of materials at source over recycling and waste disposal.

In recognition of the immediate attention required to deal with the GTA's waste crisis, the Minister also announced the creation of a new public sector authority to establish long-term disposal capacity for the residual wastes remaining after all efforts to reduce have been made. The public sector authority was subsequently incorporated on May 10, 1991 as the Interim Waste Authority Ltd. The Minister also suspended the exemptions from the *Environmental Assessment Act* which had been granted to proposed interim sites in Whitevale and Brampton.

(Reference: Statement to the Legislature)

#### ***February 21, 1991: Ontario's Waste Reduction Action Plan***

The Minister announced a four-part plan to accelerate waste reduction efforts in the province. It included:

- I. Implementation of strong regulatory measures to reduce at the source the flow of valuable resources now going to disposal;
- II. Development of the necessary financial and technical systems to direct these materials from landfills and into productive use and reuse;
- III. Help to create healthy markets for materials recovered through 3Rs programs;
- IV. Establishment of public education programs that would provide all members of Ontario society with the information they need to make responsible 3Rs choices to reduce the amount of waste going to disposal.

Within these four areas, a number of specific initiatives were also announced, including the creation of a provincial Waste Reduction Office. Its mandate was to co-ordinate policy and regulatory development and to consult with all groups affected by the Ontario Waste Reduction Plan. The plan was described as the "cornerstone of a new conserver society in Ontario."

(Reference: Speech at conference of Eastern Ontario Mayors, Wardens and Reeves, Belleville)

#### ***March 21, 1991: Local Responsibility for Waste***

The Minister stated that in keeping with conserver values, all communities must accept responsibility for the waste they generate. Therefore, facilities for the disposal of residual wastes should be located as close as possible to the source of waste generation. As Minister Responsible for the Greater Toronto Area, she announced that the search for long-term waste disposal sites for the GTA would not be outside GTA.

(Reference: Statement to the Legislature)

#### ***April 11, 1991: Ban on Incineration***

The Minister announced a ban of all future municipal solid waste (MSW) incinerators in Ontario and a review of MSW incinerators now in operation. The incineration of waste was inconsistent with the 3Rs, did not promote waste reduction and produced harmful air emissions and toxic residual ash. Furthermore, incinerating waste was expensive.

(Reference: News release)

#### ***June 17, 1991: Road to a Conserver Society***

The Minister explained her vision of a conserver society. Noting that "waste reduction is the key to success in changing a consumer society into one that conserves," the Minister also stated some of the key principles essential to make that change. They included: conservation, durability, true cost accounting, accountability, product stewardship, self-interest, and social involvement.

(Reference: Speech to the annual Ontario Waste Management Conference, later re-published as a booklet)

#### ***June 27, 1991: Provincial Strategy for the GTA Waste Crisis***

The Minister announced a three-pronged strategy which included initiatives to accelerate 3Rs/waste diversion activities in the GTA, to find three, new, long-term landfill sites for the residual wastes, and to close the disposal gap before the new sites are in operation by extending the use of the Britannia Road



and Keele Valley landfills and building one or more transfer stations in Durham Region. The strategy also promised new legislation to be introduced regarding the activities of the Interim Waste Authority and implementation of measures to ensure that the GTA had continued waste disposal capacity.

(Reference: Statement to the Legislature and release of a paper called, *The Waste Crisis in the Greater Toronto Area: A Provincial Strategy for Action*)

During the summer, the government began to implement the GTA waste strategy.

- Through the Minister's Reports under Section 29 of the *Environmental Protection Act*, the Minister directed Metropolitan Toronto and Peel Region to extend the life of the Keele Valley and Britannia Road landfill sites respectively; Durham Region was directed to build one or more transfer stations.
- The Interim Waste Authority Ltd. undertook a public consultation program on the design criteria for the three, long-term landfill sites.
- The Waste Reduction Office began to work with the five regional municipalities of the GTA and a number of other stakeholder groups on a comprehensive waste reduction action plan for the GTA and on the funding of 3Rs capital expenditures and implementation of the plan.

#### ***October 9, 1991: Regulatory Measures to Achieve Ontario's Waste Reduction Targets***

The Minister announced draft regulations - to be phased in starting in mid-1992 - that would make waste reduction mandatory for Ontario industries, businesses, institutions and municipalities. Developed by the Waste Reduction Office, the proposed regulations would require:

- Larger municipalities to implement recycling and leaf and yard material composting programs;
- Certain industrial, commercial and institutional sectors to recycle materials, to conduct annual waste audits and to prepare waste reduction plans.

The proposed regulatory measures were described in Initiatives Paper No. 1, which was released for a 90-day public consultation period ending January 6, 1992.

(Reference: Speech to the annual conference of the Recycling Council of Ontario and release of *Initiatives Paper No. 1: Regulatory Measures to Achieve Ontario's Waste Reduction Targets*)

#### ***March 31, 1992: Proposals for Municipal Waste Management***

Environment Minister Ruth Grier and Municipal Affairs Minister David Cooke invited the public to comment on the province's proposals to expand the authority of municipalities to make waste management decisions.

The proposals were contained in two discussion papers, the Ministry of the Environment's Initiatives Paper No. 2, "Waste Management Planning in Ontario" and the Ministry of Municipal Affairs' "Municipal Waste Management Powers in Ontario: A Discussion Paper." The two papers opened stage two of the implementation of Ontario's Waste Reduction Action Plan which Mrs. Grier announced in February 1991.

#### ***Initiatives Paper No. 2:***

- describes changes to the current waste management master planning program;
- suggests a new planning process which will make approvals for waste management site facilities - such as recycling depots - more efficient;
- places an increased emphasis in the planning process on waste reduction, reuse and recycling.

#### ***Municipal Waste Management Powers in Ontario:***

- examines what powers municipalities will need if they are to manage wastes and implement provincial policies;



- proposes options for permitting municipalities to regulate the flow of waste within their boundaries and to set user fees for waste management services and tipping fees for landfill sites.

In addition the paper proposes giving municipalities the authority to:

- manage all types of wastes including liquid, solid and hazardous waste;
- impose stronger penalties for breaking municipal waste management by-laws;

(Reference: *Ministry of the Environment's Initiatives Paper No. 2, "Waste Management Planning in Ontario" and the Ministry of Municipal Affairs' "Municipal Waste Management Powers in Ontario: A Discussions Paper."* News release.)

## SOME FACTS AND FIGURES

- Total amount of waste generated in Ontario in 1989 (the latest year for which figures are available) from residential, industrial and commercial sources totalled 10 million tonnes.
- Percentage of Ontario's total solid waste by weight generated by residential households: 40.
- Percentage of total solid waste by weight made up of containers and packaging: 21.
- Number of active solid waste disposal sites in Ontario: 1,400.
- Number of landfill sites expected to close within two years (by 1993): 100.
- Number of landfill sites expected to close between 1993 and 2003: 150.
- Population in GTA is 3.9 million or about 44 per cent of Ontario's total population.
- Number of tonnes of solid waste produced in GTA every year: 4.3 million.
- Estimated population of GTA in 30 years (by 2021): six million.
- Estimated annual amount spent by municipalities in Ontario to collect and dispose of solid waste safely: \$400 million.
- Number of municipalities with Blue Box curbside recycling programs as of March 1991: 410.
- Number of single-family homes serviced by Blue Box programs: 2.7 million.
- Estimated number of tonnes of material diverted from landfill sites through Blue Box programs every year: 340,000.
- Number of homes with backyard composters funded through Ontario's Municipal Reduction/Reuse Program: 300,000.
- Number of waste diversion projects in industry, business and institutions funded through Ontario's Industrial Waste diversion program: 280.
- Estimated number of tonnes of waste that could be diverted from disposal through these projects: 1.2 million.
- Provincial budget for 1991-1992 fiscal year to help with municipal capital and operating costs for Blue Box recycling projects: \$43 million.
- Amount committed to date by Ontario to fund various industrial, commercial and institutional waste diversion projects: \$51 million.



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